

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: CS/SB 1752

INTRODUCER: Transportation Committee and Senator Sebesta

SUBJECT: Driver's Licenses

DATE: March 14, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.	_____	_____	HE	_____
3.	_____	_____	JU	_____
4.	_____	_____	TA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute (CS) for Senate Bill 1752 provides for the issuance of an identification card at no cost for a person who voluntarily surrenders his/her driver license, who is physically or mentally not qualified or who is determined incompetent to drive. In addition, a person who voluntarily surrenders his/her driver license for reasons stated above, may be issued at his/her option an identification card having a distinctive gold marking.

Also, the CS revises the requirements relating to reporting of alleged disabilities to the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, a licensed physician is required to report to the DHSMV a patient over the age of 15 who the physician has diagnosed with epilepsy, catalepsy, or narcolepsy, which has been unresponsive to medical treatment.

Further, this CS specifies a driver's license expires on a licensee's 80th birthday and requires a mandatory four year renewal period for persons over 80 years of age.

This CS substantially amends sections 322.051, 322.126 and 322.18 of the Florida Statutes.

II. Present Situation:

Identification Cards

Section 322.051 provides requirements for the issuance of an identification card. Any person who is 12 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit, may be issued an identification card by DHSMV. An applicant must submit a complete application, application fee, and proof of identity as required by DHSMV.

According to DHSMV, when a driver applies for an identification card after voluntarily surrendering his/her driver's license or being suspended when determined to be "incompetent to drive a motor vehicle", there is a \$3 fee for the issuance of an original identification card. If the applicant is 60 years of age or older, the identification card is issued with a non-expiring date. The fee for an original identification card is deposited into the General Revenue Fund.

Driver's License Examination and Reexamination Requirements

The DHSMV is currently required to examine every first time applicant, regardless of age, prior to the issuance of an original Florida driver license. The examination includes a test of eyesight and hearing, ability to read and understand highway signs, knowledge of traffic laws, and a demonstration of motor vehicle operation skills. However, a new Florida resident with a valid out-of-state license may reciprocate his/her license and is only required to pass the eye exam.

Once a license is issued, DHSMV continuously monitors driver performance to ensure Florida's roads are safe. One way DHSMV monitors driver performance is through reexaminations of drivers it believes are incompetent or otherwise not qualified to drive (s. 322.221, F.S.). On written notice of at least 5 days and having good cause, DHSMV may require a licensed driver to submit to an examination or reexamination. "Good cause" includes, but is not limited to, the recommendation from a court, a law enforcement agency, or a physician.

At the time of renewal, a licensee may be subject to reexamination by DHSMV. The reexamination consists of tests of the licensee's eyesight and hearing and his/her ability to read and understand highway signs and pavement markings (s. 322.121, F.S.).

Driver's License Issuance Periods

An initial driver license issuance is valid for 6 years, concurrent with the applicant's birthday.

A renewal driver's license is valid for 4 years. However, if the applicant's driving record includes *no* convictions for the preceding 3 years or no revocations, disqualifications, or suspensions over the preceding 7 years, the renewal driver's license is valid for 6 years.

Currently, DHSMV may issue 4-year and 6-year license extensions by mail, electronic, or telephonic means, unless renewal applicants are directed by DHSMV to appear for an in-person examination. Licensed drivers are eligible for two consecutive license extensions. Therefore, the maximum time from the original driver license issuance to the end of the second license renewal could be 18 years (6 year original license and 2 mail-in renewal periods of 6 years each = 18 years). According to DHSMV, there is a \$15 fee to renew a driver's license, which is deposited into the General Revenue Fund.

Reporting of Disabilities

Section 322.126, F.S., provides a physician, person, or agency may report to DHSMV his/her knowledge of a licensed driver or applicant's mental or physical disability to drive. The report should be in writing giving the full name, date of birth, address, and a description of the alleged disability of any person over the age of 15 having, mental or physical disorders that could affect his/her driving ability.

III. Effect of Proposed Changes:

Section 1 amends s. 322.051, F.S., to provide for the issuance of an identification card at no cost for a person who voluntarily surrenders his/her driver license, who is physically or mentally not qualified or who is determined incompetent to drive. In addition, a person who voluntarily surrenders his/her driver license for reasons stated above, may be issued at his/her option an identification card having a distinctive gold marking.

The CS will eliminate the fee for an original or renewal identification card in the above circumstances and allows the applicant the option of being issued an identification card with a distinctive gold marking. According to DHSMV, it is projected 17,000 identification cards could be issued annually for persons who voluntarily surrender their driver's license, resulting in a \$51,000 recurring revenue loss to the General Revenue Fund. Programming costs to modify the Drivers License Information System to develop a distinctive gold marking on the identification card and to issue the card at no cost is estimated at \$18,841, which assumes 350 hours at \$53.83 per hour.

Section 2 amends s. 322.126, F.S., to require a licensed physician to report to the DHSMV a patient over the age of 15 who the physician has diagnosed with epilepsy, catalepsy, or narcolepsy, which has been unresponsive to medical treatment. The CS provides there to be no monetary liability and no cause of action for damages against any physician for any action taken without intentional fraud, or for the failure to take any action as result of carrying out the reporting provisions.

The DHSMV does not anticipate an increase in physicians submitting reports as a result of this change, because there is no penalty assessed for non-compliance. However, if the CS is revised to provide a penalty for the physicians' noncompliance, the impact to DHSMV's medical section could be significant.

Section 3 amends s. 322.18, F.S., to require a mandatory four year renewal period for persons over 80 years of age. Specifically, the CS provides the driver's license of any person expires at midnight on the licensee's 80th birthday. A license issued to a person after that person is 80 years of age shall expire at midnight on the licensee's birthday that next occurs on or after the fourth anniversary of the date of issue.

According to a CS analysis provided by DHSMV, currently, there are approximately 890,000 drivers 80 years of age and over who are scheduled to renew their driver's licenses over the next six years. This CS would impact individuals of this population, who currently fall into the "safe driver" category and are issued a 6-year license. This population would be required to visit an issuance office more frequently.

In addition, the DHSMV provides this CS would generate an indeterminate non-recurring revenue increase to the General Revenue Fund as result of converting licensees over 80 years of age to a four year cycle. This CS will also require 400 hours of contracted programming modifications to the Drivers License Information System at \$53.83 at a cost of \$21,532 to modify the renewal cycle for drivers over 80 years of age. The DHSMV states additional expenditures are indeterminate at this time until clarification is provided.

Section 4 provides an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person who voluntarily surrenders his/her driver license, who is physically or mentally not qualified or who is determined incompetent to drive will be issued an identification card at no cost.

According to DHSMV, it is projected 17,000 identification cards could be issued annually for persons who voluntarily surrender their driver's license, resulting in a \$51,000 recurring revenue loss to the General Revenue Fund.

Driver license applicants 80 years of age and over shall only be issued a four year driver license renewal. According to a CS analysis provided by DHSMV, currently, there are approximately 890,000 drivers over 80 years of age who are scheduled to renew their driver's licenses over the next six years. This CS would impact individuals of this population, who currently fall into the "safe driver" category and are issued a 6-year license. This population would be required to visit an issuance office more frequently.

C. Government Sector Impact:

According to DHSMV, it is projected 17,000 identification cards could be issued annually for persons who voluntarily surrender their driver's license, resulting in a \$51,000 recurring revenue loss to the General Revenue Fund. It is also estimated there will be an indeterminate non-recurring revenue increase to the General Revenue Fund as a result of converting licensees over 80 years of age to a four year cycle. This CS will require contracted programming modifications to the Driver License Software Systems at a cost of \$40,372 to implement, which assumes 750 hours at \$53.83 per hour. Finally,

DHSMV states additional expenditures are indeterminate at this time until clarification is provided.

VI. Technical Deficiencies:

According to DHSMV, clarification is needed in section 3 of the CS to address whether DHSMV is required to cancel all licenses currently issued to drivers over 80 years of age with a six year license. Further, if DHSMV is required to cancel all licenses for licensed drivers who are 80 years of age, clarification is needed to address if credit for monies paid will be given to those individuals.

VII. Related Issues:

The DHSMV recommends changing the effective date of the CS to January 1, 2007, to allow sufficient time for implementation.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
